

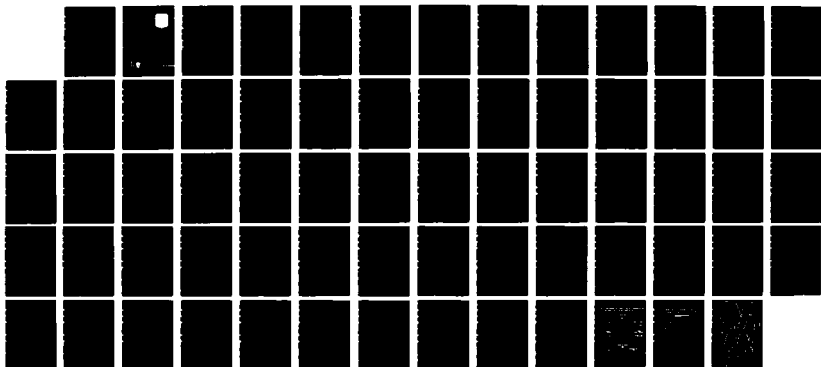
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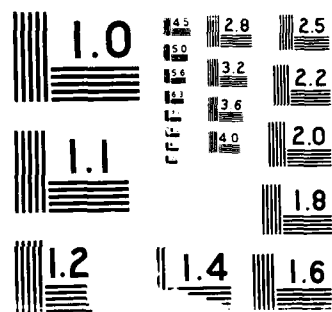
POSTAPARTHEID SOUTH AFRICA: A SOLUTION FOR A DEMOCRATIC 1/1
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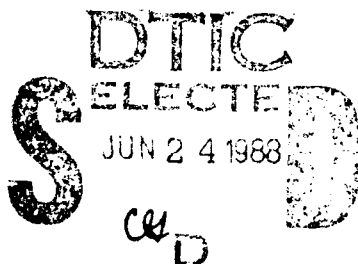
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POSTAPARTHEID SOUTH AFRICA: A SOLUTION FOR
A DEMOCRATIC AND NONRACIAL POLITICAL REGIME

BY

LIEUTENANT COLONEL ALIOUNE DIOP

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These are the main questions this study deals with. It explores first the various strategies--political, economic, sociocultural, military--available to internal as well as external actors, in order to breed fundamental changes. Then, the study reviews the current main proposals as regard to political power sharing, before presenting its masterpiece of constitutional framework of a Federation of South Africa, democratic and nonracial. A final part is dedicated, in conclusion, to the prerequisites of such a peaceful negotiated solution and the critical roles that external actors as the United States, the Organization of African Unity (OAU) and the United Nations should play to bring all parties at the negotiating table and guarantee the various agreements reached.

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POSTAPARTHEID SOUTH AFRICA: A SOLUTION FOR
A DEMOCRATIC AND NONRACIAL POLITICAL REGIME

An Individual Study Project
Intended for Publication

by

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U.S. Army War College
Carlisle Barracks, Pennsylvania 17013
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ABSTRACT

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TITLE: PostApartheid South Africa: A Solution for a Democratic
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The situation in South Africa has obviously reached a status of stalemate: the various reforms undertaken by the white-only government, mainly the Tricameral Parliament, have not been a motive of internal or external satisfaction. While a growing rightwing white minority has joined the constitutional establishment, the African National Congress (ANC) is gaining worldwide recognition and a status of unavoidable partner in any meaningful negotiation, and the KWAZULU INDABA is not a convincing model. On the other hand, the international community, definitely opposed to the apartheid regime, is questioning what roles should it play next to bring about change in South Africa, as regard to the two main issues of political power sharing and socioeconomic wealth redistribution. Meanwhile, the spectrum of violence is still alive.

What are the appropriate strategies to bring about political changes in South Africa? What type of political regime will promote a democratic and nonracial postapartheid society while safeguarding the rights of all citizens? Who should contribute to this solution? What are the prerequisites to be met before?

These are the main questions this study deals with. It explores first the various strategies--political, economic, sociocultural, military--available to internal as well as external actors, in order to breed fundamental changes. Then, the study reviews the current main proposals as regard to political power sharing, before presenting its masterpiece of constitutional framework of a Federation of South Africa, democratic and nonracial. A final part is dedicated, in conclusion, to the prerequisites of such a peaceful negotiated solution and the critical roles that external actors as the United States, the Organization of African Unity (OAU) and the United Nations should play to bring all parties at the negotiating table and guarantee the various agreements reached.

If there is one thing the white-only government of South Africa is certainly successful with, it is indeed to have raised a worldwide condemnation of its policy of apartheid. It is still unbelievable that a minority of about five million of whites deny freedom, justice and a simple moral status to 23 million blacks and other so-called "Coloreds" and Asians. Moreover, 86 percent of the land--representing incidentally the most fruitful part of the 1.221.037 sq. kms. are occupied by the whites, while 14 percent of waste land are "allocated" to the blacks, depriving them of any hope of agricultural achievement.

Therefore, the fundamental problems of South Africa remains twofold: political power sharing and socioeconomic wealth redistribution among the various components of the population.

However, and despite the growing consensus about the end to be achieved--the elimination of apartheid and its replacement by a nonracial democracy--as noted by Kendall and Loew,¹ no important or reliable move has been made yet by the P. W. BOTHA government to lift the pillars of "grand apartheid" which remains the "forced political and economic subjugation of blacks."²

In this regard, many solutions have been proposed within South Africa as well as on an international basis, in the perspective of bringing fundamental and truly democratic changes in the country.

The internal proposals range from political opposition, boycotts, strikes, as nonviolent practices, or violent armed attacks, sabotage, to urban guerrilla type commandos. Other political solutions advocate a reinforcement

of separate development with the creation of new black independent states within the previous homelands.

Meanwhile, the external proposals involving the international community range from moral and political condemnation of the white-only government, to the expulsion of South Africa from worldwide organizations and conferences, and finally the recent economic sanctions and military embargoes.

Thus, four sectors, vital enough, are always considered when it comes to what solutions to adopt in order to bring the South African government to end apartheid: political, socio-cultural, economic and military.

Moreover, two other points are nowadays a matter of growing consensus, if not agreement throughout the world.

First is that no solution, whatever its relevancy, will work unless sorted out and agreed upon by the South African themselves: whites, blacks and other minorities from all political spectrums.

Second is that any meeting held to find out solutions should include the African National Congress as well as other banned organizations, in the talks. As printed by Michael Lerner,

everyone from moderate blacks like Bishop Desmond Tutu to Reagan Administration officials, now concede that Pretoria will have to free Nelson Mandela and negotiate with the ANC, if it hopes to reach any meaningful settlement with the blacks.³

Therefore, the South African government faces the new challenge of who to talk to and negotiate with in order to find out credible ways of moving towards a postapartheid society--democratic and nonracial.

In fact, the growing worldwide conviction of the inescapable end of apartheid has brought more than one scholar, politician, writer or journalist--even within South Africa itself, to prospect the future of a postapartheid South African society, despite the current tense situation characterized

by a state of emergency, daily struggle, public disorders, violent police repression and violations of international borders.

It is indeed within this perspective that the meeting in Dakar, in July 1987, of members of the ANC and the IDASA (Institute for a Democratic Alternative for South Africa) represented a singular opportunity for black and white South Africans to discuss the future of a political framework for their country even though BOTHA's government was first in giving no credit to the conference itself, and declaring the white participants outlaws.

The possibility of that meeting, and its unique success of bringing to the same table of negotiations black and white South Africans, mostly Afrikaners, demonstrated once again that peaceful negotiations are possible, and are certainly the best way to a just and durable solution in South Africa.

Their final communique--named the Dakar Declaration--obviously represents a basic and positive document which, if given proper study and consideration, may lead to a workable and fair solution for the emergence of a democratic, nonracial postapartheid society.

If it was easy for both parties to reach an agreement on the causes of the armed struggle launched by the ANC within South Africa--causes due to the stubbornness of the white-only government after 50 years of peaceful opposition by the ANC, the liberation of political prisoners, as well as the lifting of the banning of political parties, as a a priori condition to any negotiation; their limited agreement elsewhere in the agenda shows how crucial the following questions still are!

What are the various strategies to implement in the fields of politics, economics, social and military, in order to bring fundamental changes in South Africa?

What type of political regime to adopt in the perspective of a democratic and nonracial postapartheid society?

What should be the roles of such external actors as the United States, the USSR, the OAU, or the United Nations in the process?

These are also the main concerns of this prospective study which is divided into four parts. The first gives an overview of the various strategies, considered appropriate enough to bring the white South African government to the negotiating table, for the emergence of a new constitutional system, democratic and nonracial. The second part presents a constitutional model supportive of the political regime to be installed during a transition phase and a final stage. The third conveys some ideas of the various roles that should be carried out by the United States, the Soviet Union, the OAU and the United Nations, not only to appease the legitimate fears of the white minority, but also to guarantee and safeguard any agreement reached by the parties involved. The fourth part is devoted to a conclusion of hope.

It is also a basic assumption that the democratic regime proposed here will be implemented within a free market economy which will keep South Africa in the western atmosphere; this interesting subject will not be covered today however.

The theme of the appropriate strategies leading to a fundamental change and official negotiations in South Africa, is indeed, still a matter of hot debate on a worldwide basis. Inside South Africa as well as abroad important voices of politicians, scholars, writers, "freedom fighters" or government officials are putting on the stage diverse proposals to solve the problems, and find out a workable solution.

However, the appraisal of all these issues, combined with an estimate of the long lasting situation inside the country lead to some basic assumptions

which need to be deeply aware of in any attempt to develop a strategy for a fundamental change in South Africa. The main reason, in that regard, remains the stubborn posture of the white minority--mainly the National Party--to ward off any chance of freedom, justice and equality before the law for the other racial groups.

The first assumption is that the whites are not going to give up, or even share, their monopoly of political power, for the sake of moral values or political freedom, unless obligated to do so by such irreversible circumstances as:

- o A total state of insecurity putting at stake their vital racial interests and stemming from internal and external conditions, or both simultaneously,
- o Or the emergence of a person of vision, possibly from the South African Defense Forces, popular and credible enough to overthrow the present government and to set the stage for a new democratic regime, apt to secure the rights and interests of all South Africans, whites, blacks and "colored."

Secondly, the strong economic and often political ties with western countries, are the main pillars which keep alive the South African government; knowingly or not, these western countries represent somehow a major support of the policy of apartheid: their role in the findings of a fair solution is nothing but obvious!

Thirdly, any fundamental change in South Africa, will certainly be the result of an internal struggle fought inside South Africa by the blacks who will have to pay the price of blood and death--as by now--to achieve freedom, social and political recognition.

The external action, related to international sanctions, boycotts, or even blockade, is a follow-on activity which will "break out the cocoon" and open the last doors to a peaceful and agreed settlement.

Fourth and consequently, any project or type of society for the future of South Africa, should result from direct negotiations between representatives of the white minority and the black majority in its various political components.

All this places indeed our study in the context of a modest contribution in worldwide "brainstorming" activities accomplished by well qualified lecturers and politicians; but it gives also the courage to explore the future in order to present a possible solution among others.

Incidentally, there is a common agreement that strategies for a fundamental change in South Africa are to be sought in the four following areas: politics, economics, culture and education, and finally the military. They may be efficient on an individual basis, but a far better chance of success is quite certain, as regards to their final objectives, when implemented simultaneously within a reasonable framework.

Moreover, these four areas involve internal and external actors who are also the very promoters and beneficiaries of any final agreement: white and black South Africans, the United States, the OAU and the international community as part of the United Nations. In this regard, the rationale for any political strategy leading to fundamental changes remains the share of political power and the tenure of the same legal rights for all South Africans whatever their race may be: freedom of speech, association, right to vote, etc.

Inside South Africa, fifty years of peaceful political opposition by the ANC and other political parties, as well as such governmental policies as the

establishment of designated black homelands have not given birth to a fair democratic system. Moreover, neither the "optional cooperation" of such black organizations as INTAKHA, headed by Chief GATSA BUTHELEZI, leader of the six million Kwazulu Homeland, nor the stubbornness of the "Black Consciousness" group, AZAPO (Azanian's People Organization) which rejects any suggestion of a multiracial government, have been so far the source of any subsequent and relevant progress.

In fact, the political situation is even worsened with the new proposals, backed strongly by the BOTHA's government, of setting black independent states where universal suffrage will be applied as in white states.

Therefore, the only strategy left to blacks, when considering internal actions is twofold as regards to the ways to achieve a common and unique objective: to bring the white minority to come to the negotiating table!

The ways are either nonviolent as exemplified by Mahatma Gandhi and Dr. M. Luther King, or openly violent in order to have the whites share the burdens of unrests, demonstrations and riots.

The objective is then "to make the country ungovernable and apartheid unworkable" as pointed by Oliver TAMBO, President of the ANC, by spreading insecurity and unrest, or, in a nonviolent struggle, by paralyzing any political and economic life with internal boycotts and strikes strongly supported by the COSATU and other trade unions.

Here are certainly the basic measures apt to breed a spirit of political change in the ranks of white rulers and citizens.

However, the bedrock of any strategy for political change inside the country lies in four pillars which are nowadays sine qua non conditions to further negotiations.

The first is the recognition of a legal status for all the political parties, including the ANC and the PAC, eliminating the Sabotage Act of 1962 and the Terrorism Act of 1967 which were only circumstantial laws with an obvious purpose to ban opposing parties and to arrest their leaders.

The second is to free all political prisoners, including Nelson Mandela, the ANC's previous leader; it will entail too the suppression of the Communist Act of 1950 which banned, ironically, "any doctrine aimed to bring political, industrial, social and economic change inside the country by encouraging troubles and disorders⁴ and served as a further pretext to jail many nonwhite political leaders.

The third is the suppression of the homeland territories and their integration in a nationwide democratic organization; accordingly the Bantu Authorities Act of 1957 as well as the Promotion of Bantu Self-Government Act of 1959 will also be obsolete.

A following step will be to convince the black political leaders of the necessity for them to reach a joint position on major points of the ANC Freedom Charter, with special guarantees provided to defend and protect the rights of all South African citizens.

No doubt that a blood bath may seem unavoidable to reach a situation likely to bring these changes, but history is here to remind them that it takes often hundreds of lives to ensure freedom and peace, unless the sign of vision enlightens the leaders!

Such events as the American Revolution or the French Revolution of 1789, or even closer to us, the Soviet Revolution of 1917 and the Afro-Americans' revolts and riots of the 1960's are all enough sources of inspiration. The successful struggles led by Dr. M. L. King and Mahatma Gandhi, are also definitively pertinent historic references.

Moreover, on an extended basis, the international community, from east to west, provides strong support to isolate South Africa as a state and to put a heavy pressure on its government.

The unanimity achieved already in the political condemnation of the South African regime has to be reinforced by stronger moves, mainly on the side of western powers such as the United States, Britain, France and Japan.

Open and clear-cut statements opposing the policy of apartheid, followed by consistent actions, such as the interdiction of South African manifestations inside those countries, press campaigns against the South African government will still be relevant operations to bring a considerable support to the internal actors whose actions remain above all, the primary source of possible changes.

In conclusion, a political strategy requires an initial, internal uprising likely to involve the international community in order to bring to the negotiating table representatives of all political parties, mainly the ANC and the governing National Party. This scenario is still more credible, by now, than the one concerning a possible military coup from the South African Defense Forces.

On the other hand, the rationale of any economic strategy for fundamental changes remains the share and redistribution of the wealth of one of the richest country in Africa. Rare minerals, agricultural resources, manpower and advanced industrial technologies give to South Africa an enviable position of a real economic power in Africa. But, as a consequence of the policy of apartheid, all this wealth is confiscated by the white minority.

Therefore, the economic struggle, mainly inside the country, is a matter of redistribution of wealth and equal access to the various opportunities to make profit and enjoy a satisfactory standard of living.

However, the economic strategy is also a worldwide matter of controversy due not only to the impact of South Africa in the world economy, but also the so-called needs for western powers to secure their national interests involved and a permanent access to valuable strategic minerals. This situation gives once again a twofold aspect to any economic strategy: internal and external.

The objectives of any internal strategy remains basically the suppression of all the laws which have installed and reinforced the economic aspect of apartheid. Such restricted laws as the Group Areas Act of 1950 which has allocated the land on a racial basis, giving obviously the best and largest part to the white minority, and the following Pass Laws, which denied to blacks freedom of movement and circulation will certainly be the first targets. Second, though as important as the former, the Bantu Authorities Act of 1957, reinforcing the economic dependency of blacks to the neighboring white communities, and the no less frustrating Bantu Labour Act of 1953, Black Urban Areas Act and Development Trust and Land Act which prevent specially the blacks from starting business or entering industry, will certainly be the second concern for elimination.

As pointed out by Kendall and Lowe

. . . if people have entrenched property rights, freedom of movement, exchange and association; if they are equal before the law and not subject to the whims of officialdom then racial differences will cease to be crucial.⁵

Besides, the economy is certainly the most sensitive point of the so-called "fortress South Africa;" the actions to carry out in order to achieve the above-mentioned objectives are accordingly twofold.

One scenario, part of a violent struggle, is to launch a series of regular acts of sabotage of important economic installations susceptible to disrupt the normal flow of economic activity, and put a serious damage to the economy as a whole.

Another is rooted in the successful tradition of nonviolence magnificently demonstrated by Mahatma Gandhi and Dr. Martin L. King. The COSATU is from now on the spearhead and its leadership should take his historic responsibility to lead the struggle. The recent general strike of the summer of 1987, proved that, inside South Africa, the best way to bring the South African government to the negotiating table is to paralyze the economy with nonviolent strikes and boycotts. The unilateral decision of the COSATU at the last minute, to give up and to resume work, shows furthermore that the momentum and the initiative are certainly in the hands of the trade unions, and not the government.

There is no doubt that the lessons set by Dr. M. L. King are valuable examples in this perspective;

nonviolence, he said, is the answer to the crucial political and moral questions of our time; the need for man to overcome oppression and violence without resorting to oppression and violence.⁶

This is certainly the basis of any significant economic strategy as regards to internal actors. However, the requirement of a strong and united leadership within COSATU and other anti-apartheid parties is needed, as well as the continuous support of the neighboring countries who should, during that period, retain home the workers they usually provide to the South African mines.

Meanwhile, international economic sanctions remain the basis for the external aspect of any economic strategy. It is needless, to say however, that the issue of economic sanctions has suffered so many misinterpretations, biases and outright opposition that some countries or public opinions have come to doubt their relevancy or beneficial outcome in the struggle against apartheid.

Three points are the essential reasons of this situation.

Firstly, despite the formal agreement of the United Nations, the Organization of African Unity, the European Economic Community, the United States and other countries, there is no authority assigned to monitor and/or control the strict application of sanctions by countries or organizations. So, no measures of reinforcement can be expected, nor can any blame be put against the violator states.

The approval to implement economic sanctions doesn't seem to be a "bond of honour" for some nations whose deliberate or covert actions undermine the effectiveness of the whole policy and its final objectives.

Secondly, the efficient impact of the sanctions is mostly expected from western countries: EEC, Japan, U.S. and Israel, who do have real economic and financial interests in South Africa. But, unfortunately, the characteristics of free market societies of these countries do not favor sustainment and dimensions on decisions which may, on a secondary aspect, not meet their own interests. Not only do those governments not have often the power to put a total control on the corporations maintaining business with South Africa, in fear to be charged of illegality, or to lose public opinions and political support; but also the interests advocated by the government are very often divergent, if not opposed to the business communities. Finally, the political courage and leadership are just lacking to convince the nation on a public debate.

The case of the United States where the President vetoed the proposals by Congress to take stronger sanctions against South Africa is certainly pertinent in this regard.

Another cause advocated to oppose economic sanctions has been that the blacks inside South Africa will suffer more than the white minority; so it is

useless, or even immoral, as President Reagan said, to put more burden on those oppressed people who are already between life and death.

Following that point, some others believe that the hardships of economic sanctions will be extended far beyond South Africa itself; in fact, the nine members of the South African Development Coordination Conference (SADCC) grouping Angola, Tanzania, Zambia, Botswana, Lesotho, Malawi, Mozambique, Swaziland and Zimbabwe, are mostly dependent on Pretoria's transportation networks and mines, will see their economy collapse drastically.

As a frontline defender of this position, the British government sent a memorandum in 1985 to the SADCC governments explaining the losses they will suffer, should economic sanctions continue; Mrs. Thatcher considered it her key document to launch a worldwide campaign against economic sanctions.

A final reason very often advocated by major western countries as the United States and Great Britain to oppose sanctions still is the threat of a South African embargo on the so-called "strategic minerals." This position reached certainly its peak when presented in a U.S. Senate Committee Report of 1982 stating that

western industrial states are much more dependent of South African mineral exports in the sense that there are few alternative sources for chrome, vanadium, manganese and platinum . . . than South Africa is on the west for export earnings from those minerals.⁷

All this resulted in the fact that economic sanctions didn't bring up the decisive outcome expected; its basis was undermined!

To begin with the last point mentioned, the data provided by such reliable sources as the U.S. Bureau of Mines, the Japan Tariff Association and the European Community, as shown in Tables I, II, III, IV attached (see pp. 54,55,56)--are sound enough "to counteract the myth of western vulnerability to a South African embargo on mineral exports." Moreover, These four tables

together demonstrate that Japan is the country most dependent on South Africa's exports, followed by European countries with the United States being the least dependent.

Talking about "Facts and Fallacies" about Washington's interests, Dr. Chester Crocker, Assistant Secretary of State for African Affairs, quoted a high ranking official of the Congressional Office of Technology Assessment who confirmed that, "in case South Africa's mineral supplies are lost, we can go to other sources; there isn't one that can't be gotten somewhere else."⁸ Furthermore, he pointed in a relevant manner that

there may be also little reason to worry about a cut-off, even if a leftist black government comes to power in South Africa; mineral exports account for much of the country foreign exchange, and no South African government is likely to give up those revenues easily.⁹

The obvious consequence of this situation is that, not only does the United States have more leeway to implement economic sanctions at a very low risk, but it also opens new possible doors of cooperation between western countries and the Soviet Union or the Third World countries who also possess the "hunted minerals."

On the other hand, the main countries to blame for the limited success of economic sanctions, remain above all the United States, Great Britain, Israel and Japan. Instead of taking into consideration the fundamental aspirations of the black communities as well as the SADCC countries, they first misinterpret the basic problems really at stake, focusing on the contrary to secure their so-called "national interests."

Trapped into the propaganda of the South African government exemplified by BOTHA's statement that "the decision of the Security Council recommending punitive measures against South Africa, threatens the economic stability and economic development of the whole of Southern Africa,"¹⁰ their present

objectives are how to secure business interests without embarrassing the ruling minority too much.

However, the debate is still on, and valuable statements related to the appropriateness of economic sanctions are made by credible authorities involved in the process.

Asked if he supports sanctions against South Africa while knowing that blacks will be hurt first and heavily, Mr. Oliver TAMBO was certainly to the point;

if our people, he said, are prepared to die and go to jail to end apartheid, do you really think they will worry that sanctions, which they know hurt the regime, will cause them a little more hunger and loose some of them the miserable jobs they are now allowed to have?¹¹

There is no doubt that the noncomparable value of human dignity is really at stake.!

As for the SADCC countries, the statement made in their memorandum of July 1985, represents an unquestionable stance in favor of the sanctions;

. . . those who oppose the sanctions stress that they will hurt the neighboring countries; which is true. But if it would hasten the elimination of apartheid, it would be certainly worth the supplementary price to be paid for. And those who seem really concerned with the negative outcome of the sanctions in South Africa's neighboring countries should provide help and assistance to those states, in order to reduce their impact.¹²

In fact, the counterstrategy developed by South Africa was to destabilize its neighboring countries in order to maintain their dependency and have them share the burdens of the international economic sanctions which were not primarily oriented towards them. The military interventions in front-line countries--carried out with the declared objectives of dismantling ANC bases--as well as the surrogate sabotage and terrorist movements launched by sponsored movements as the MNR or RENAMO, and UNITA, are indeed intended for the political and economic destabilization of the SADCC countries.

The final objective, still not understood by some western countries unfortunately, is to reinforce SADCC countries' dependence on South Africa's transportation nets, while sharing the consequent burdens of international economic sanctions. BOTHA was in fact clear enough when he stressed that the "decision of certain punitive measures against South Africa threatens the economic stability and economic development of the whole Southern Africa."¹³ Once again, western countries missed the real message which was that South Africa was projecting to involve the SADCC countries in the "game" as a mean to oblige them to lift the sanctions.

However, the financial crisis experienced by South Africa in August-September 1985, when his Governor of the General Bank was running desperately from one European capital to another one, is enough to show how much the country is sensitive and vulnerable to economic pressure. There is no doubt that a total implementation of the various U.N. resolutions of 1981, 1982 and 1983, calling for sanctions against South Africa by the major western countries would have been a prominent factor in ending the policy of apartheid.

Therefore, there is finally no convincing point, to have western countries, the United States above all, oppose stringent economic sanctions against South Africa. Nor only their interests are not at high risk, be they vital or important, but for the people they want to support--blacks inside and outside the country as well as SADCC countries--any international actions capable to hasten the elimination of apartheid is worth enticing the most painful hardships.

Economic sanctions remain the most efficient leverage to put on the South African government to achieve fundamental changes. Such trade unions as the

COSATU are now a growing political force and should implement a strategy in close coordination with the political parties.

Moreover, economic sanctions have the obvious advantage to ward off the eventuality of a violent solution to the overall process; not only are they an efficient complement to a peaceful cycle of strikes and boycotts, but they may represent a gradual and coordinated involvement of the international community in order to bring all the parties concerned to the negotiating table.

They should definitely be perceived as strategic means and not a finality to jeopardize the South African economy, as unfortunately many people and states do nowadays!

Another field where strategies for a fundamental change are needed is also within the triad of education--sports--and religion.

At the internal level, the rationale of any action is certainly the recognition of the cultural identity of blacks and the denial of any attempt to justify apartheid on a religious basis.

On this regard, further opposition is to be given to the Education and Training Act of 1979--an outcome of the students' march in SOWETO in 1976 when the requirement for Afrikaans as a medium of instruction was reinforced in 1975--the final purpose of which was to develop mother-tongue instructions and "to inhibit the transmission of modern scientific concepts,--and do not otherwise prepare African students for the wider world."¹⁴

The struggle to set the stage for a more democratic system of education should certainly be on a permanent basis.

Incidentally, the Afrikaners have fought their way against the dominance of English, to bring South Africa at the level of a bi-lingual country; the

option a tri-lingual situation with the approval of a largely used black African language, is rather fair and a positive perspective.

As for sporting matters, many efforts have been done so far on an international level. They have led to the expulsion of South Africa from the Olympic Committee (1973) and major sports tournaments, while inside the country, such organizations as SAN-ROC (South African Non Racial Committee--created in 1963) and SACOS (South African Council on Sports--created in 1973) which implement a multiracial policy should continue their struggle.

Meanwhile, so much confusion has been elaborated by the whites-only government as regards to the role of the Roman Catholic Church, and the Church in general, alluding subtly to a certain justification of apartheid on religious basis. But, various campaigns launched in and out of the country by the SACBC (South African Catholic Bishops Conference) and the SACC (South African Conference of Churches) have denied any support of the church to the policy of apartheid. Furthermore, the disapproval and strong opposition of the church was clearly addressed by Pope John Paul II, in his 1985 speech before the International Court of Justice at the HAGUE: ". . . any system of apartheid or separated development--he said--would not be tolerated as a model of relationships among populations and races."¹⁵

Finally, the thrust of a cultural strategy remains a joint effort of internal and external actors to put South Africa in the temporary position of a "de facto" nonmember of the international community until positive and reliable moves and measures are taken by the minority government.

However, it has been a widely shared belief for a long time that the armed struggle was the most appropriate strategy if a final outcome of fundamental changes were to be achieved.

It is obvious though that the sabotage attacks performed by the military branch of the African National Congress (ANC)--UNKHONTO WE SIZWE,--after fifty years of peaceful opposition, as well as the violent turmoils of the townships, remain a fundamental element of the internal struggle against apartheid.

They certainly must continue, separately or rather in conjunction with other popular uprisings as complementary strategies, as long as the white minority sticks to the policy of apartheid and refuses to foresee a negotiated solution.

Furthermore, the reaction of the South African government in declaring a permanent state of emergency since July 1985, and continuing brutal repression inside South Africa and beyond its international borders, are enough reasons to pursue the internal military action, even though, as admitted by officials of the ANC, "there is no chance of winning a military victory over the white regime!"¹⁶

The military might of the South African Defense and Police Forces, as well as the incapacity of OAU states to carry out a successful intervention in South Africa--for obvious reason of limited or nonexistent military power--call certainly for a limited and precise objective to be set for the armed struggle.

"The armed struggle is an extension of the political one. Our military aim is to damage the economy and to make people feel insecure,"¹⁷ says Oliver TAMBO in 1985; this statement made on behalf of the liberation movement which is believed the most attracted to violence, really sets the limited objectives of any military action. The rationale is to create such a state of insecurity that a process of open negotiations leading to the end of apartheid will be the unique and last solution.

Another option resulting from this situation of general internal uprising is to cause a military coup where a "junta" will depose the whites-only government and set the stage for a democratic and nonracial regime. Just, says Heribert Adam, ". . . as de Gaulle in 1962 imposed his authority on the colons and ended the Algerian War, and the American south was forced to abandon slavery."¹⁸

This scenario may certainly be the most peaceful change in prospective military strategies, even though, since 1984, the constituent elements of the civil/military divide have become less discrete; the armed bureaucrats, whilst asserting themselves more forcefully--have remained subservant to the elected politicians.

But, the recent "uneasiness within the top hierarchy of the Permanent Force, about the military's role as an auxiliary police. . . ." ¹⁹, and the frequent requests of conscripted soldiers for "non-townships duties" ²⁰, reveal a new trend to be kept seriously in mind as regards to that unpredictable option.

The case and example--of General Spínola who deposed the Salazar's dictatorial regime in Portugal in 1974-1975, after a long stay in colonial Mozambique, Angola and Guinea fighting the national liberation movements, is still a very fresh souvenir that can be repeated in the unforeseeable course of history.

Unfortunately, this scenario still holds the initiative in the hands of the white minority. Its unlikeliness due to the strong connections and traditional establishment between the military and the politicians, as well as the lack of any guarantee that it may stand for total democratic institutions, are indeed a reason to seek any effective military strategy in the linkage of the internal state of insecurity with an international blockade of South

Africa. It may then occur at a stage when vital interests of the major western powers--U.S., EEC countries, Japan or surrogates such as Israel and Korea--are at a perilous stake due to an uncontrollable internal uprising or socioeconomic stakes. The vital interests may be to secure strategic minerals or business interests; unless a strong repression puts the death toll at a four digit number on a regular basis and consequently oblige the great powers to intervene and push the white minority to "just stop it" and proceed with immediate negotiations with all parties concerned, for the elimination of apartheid.

The United States, the United Nations, EEC countries as well as the OAU will certainly be the major external players in this scenario which is really possible if the trend of violence and repression has to endure.

Cost effective in material and human lives also, this solution may lead to the arrival of a military junta, as advocated earlier, to undertake the necessary changes under the guarantee of the international community or the major western countries.

It will be also, in this case, be a way for those nations to strongly stress the need for their overall interests to be defended and secured in the region; meanwhile the requirement of a joint political will among them is a fundamental prerequisite.

In conclusion, it seems very likely that any strategy apt to breed fundamental changes in South Africa, towards the emergence of a democratic and apartheid--free society, will be certainly a bottom-up solution, stemming from an internal situation--violent or nonviolent--and finding its peak with the nonpartisan involvement of the international community, western mainly.

Accordingly, this commitment can range from political pressure to stringent economic sanctions, or even a blockade if needed; they will

certainly represent the turning point towards a negotiated solution under international guarantee.

It is therefore obvious that a simultaneous implementation of these above-mentioned strategies will be a key factor of their success in bringing the required changes towards a democratic postapartheid society.

More peaceful ways are certainly the desire of the blacks and the whole international community, but the long-lasting prejudices of the white regime and its "willingness to establish only multiracial political institutions, but not equal nonracial citizenship in a common society,"²¹ leave no room for a violence-free solution, at least at the early stage.

However, there are some undisputable prerequisites to the organization of a conference dedicated to the findings of a solution to end apartheid and set the stage for a democratic regime in South Africa. They are principally:

- o the unbanning of political parties, obviously including the ANC
- o the abrogation of the laws denying fundamental rights: association, movement, expression, and the homelands.
- o the basic agreement to work for a democratic and nonracial postapartheid South Africa
- o the inclusion of the United States, the United Nations and the Organization of African Unity (OAU) as moderators and guarantors of final agreements.

The framework of an international conference gathering all the salient political parties of South Africa, and the COSATU eventually and under the auspices of a joint committee representing the U.N., the United States, and the OAU, is certainly the most appropriate opportunity for South Africans to begin talks for a negotiated solution.

Accordingly three steps appear relevant in paving the way to any process of establishing a political regime.

First is the phase of negotiation; however, the following prerequisites should be completed before any chance of success:

- o from the white minority government:
 - oo an official statement to dismantle apartheid as a state policy,
 - oo an end to the state of emergency,
 - oo the unconditional release of all political leaders, above all Nelson Mandela, the former Chairman of the ANC,
 - oo an official statement to work for a democratic and nonracial constitution for South Africa.
- o from all the black movements, mainly the ANC;
 - oo an end to the use of violence,
 - oo an agreement to negotiate a new constitution without any preliminary condition of establishing a socialist regime in South Africa.

The second phase is a period of transition for the implementation of the above-mentioned policies under the control of a joint international committee of the same elements--U.S., U.N. and OAU--this phase, which can last as long as the South African themselves think required to, will be also characterized by a process of gradually improving the political maturity of the population--mainly blacks and coloreds, who were deprived of political rights for decades. The principle of universal suffrage is only practiced at the very low level of the constitutional system, while proportionality will be adopted for the election of the main institutions of the country.

The Constitutional framework, as proposed will be applied during this transition period which, according to a realistic evaluation of the situation, may reasonably last for fifteen to twenty years, unless the South African

themselves decide otherwise due to favorable indicators such as a good rate of socioeconomic growth among the majority of the population, blacks, Asians and "colored" primarily.

The third phase will bring the full implementation of a real universal suffrage, with the principle of one man, one vote exercised for the elections of all the institutions of the country. By that time, the realities of policies will bring so many conciliations, consensus, and joint agreements among the political parties than racial divisions will be second, if not further, to national and group's interests. The deracialization of the system, initiated and implemented during the phase of transition in schools, business, and other services, will certainly promote a less race-divided society. Obviously, the style will be closer to the United States or Brazil than the one of nowadays.

In fact, since the turmoil of SOWETO in 1976, different proposals of forms of government have been made, either following internal or external pressure in the case of the ruling National Party, or under a separate or joint initiative of other political parties, or simply by scholars who feel deeply concerned with the future of South Africa.

But the majority of them do not raise a feeling of satisfaction among the various peoples concerned because of the biases inferred or the blunt tendency to maintain, under so-called sophisticated forms, whites' monopoly of the political power as well as the greatest share of the economic wealth of the country.

To begin with, the 1984 tricameral system, which represents P. W. BOTHA's major constitutional reform, is certainly not an appropriate political solution which takes into consideration the concerns of the various racial groups or political parties. It stands for each group, whites, colored and

indians, having its own parliamentary chamber which legislates separately for "own affairs," but legislates concurrently with the other two chambers for "general affairs." Obviously, the enormous flaw is that it simply excludes the black people who represents 75 percent of the population; furthermore, the minority of coloreds and Indians who joined the system have lost their credibility among their own ethnic groups who, by and large, consider them as "sell outs!"

To many politicians and scholars, as Heribert Adam, the principle of a tri-cameral parliament shows once again that

Pretoria is unwilling to abandon its fundamental racial belief in "own affairs," self-administration of racial groups as prescribed, and "joint affairs," concerns addressed by a multiracial executive under National Party tutelage. Embracing the notion of a common society is not contemplated; a minority in every territory, the Afrikaner equates nonracial democracy with the loss of political control.²²

The long term vision seems to be the creation of isolated, underdeveloped blacks or colored independent states, around a white only South African republic eager and ready to bring assistance and military intervention if required.

This option, which is opposite to the course of history, is certainly doomed to failure as already predicted by internal as well as external observers.

The trick of reinforcing whites' supremacy and control of the political decisionmaking process under new horizons is blatant, as well as the objective to protract for ever the policy of separate development.

But, another option presented by the New Republic Party (NRP)--an offspring of the late United Party with a minority status at the Parliament--goes really even further in the notion of primacy of racial groups and separate development. They project a multiracial federal state where the

four ethnic or racial groups--blacks, whites, indians and colored--would be organized not as territorial entities, but as corporate entities, with their basis in scattered and intermingled local authorities. Each group would have its own assembly and government for its own affairs, and each assembly and government would be represented in a two chamber federal parliament for common affairs.²³

To complete the scheme of separate development, a weak executive power is elected by the houses of parliament.

This proposal, which remains basically another diversion to maintain the whites' monopoly of political power, has the main flaw of not foreseeing South Africa as a united state; worst, it does not only include the present homelands in the federal framework but also, elections are not direct, instead, they will be through groups. The final stage to raise inconsistency is that the NRP believes that the federal constitution should not be a result of negotiation, but rather an evolutionary process, which obviously leaves the initiative and the agenda setting into the hands of the white minority.

However, this idea of a multiracial federal state with a number of self-governed racial states, connected eventually through a very loose federal system seems to acquire greater consideration among those "moderate" Afrikaners who, knowing consciously that time is running against the policy of apartheid, are trying to prospect a new viable system which safeguards white's supremacy in South Africa above all.

In their recent book "After Apartheid, the Solution for South Africa" which acquired a large publicity among white rightwing in South Africa, Frances Kendall and Leon Loew, both white South Africans, propose to adopt the Swiss model of cantons characterized by autonomous canton states and maximal devolution and strict limitation of central government power. The delimitation of cantons will be based on race according to the current

occupation of land throughout South Africa; moreover, the cantons will have the rights to practice racial discrimination, expulsion of other South African from any other state, secession from the federal organization, etc.

This solution is obviously another trick to maintain a racial division and whites' monopoly of the political power. It is amazing, when reading through the book, to notice that it does not take long to see how deep the authors contradict themselves from the introduction where they recognize that "the only hope lies in a system that protects the rights and freedoms of all South Africans, regardless of race or gender, so that all can live together and prosperity"²⁴ to the 13th chapter where their biases expand naturally, and unconsciously maybe:

. . . This approach would give cantons or communities controlled by white nationalists breathing space in which to buy up land so that, when the sunset clause lapses, they could exclude unwanted people from their areas by exercising their property rights. 'Whites only' cantons could be created in a number of ways. Racial separatists could make representation to the Delimitation Commission for the creation of an adequate number of cantons in areas where there already are, or could relatively easily be, a majority of whites.²⁵

Indeed, their main concern seems to be how to secure the interests of the white establishment! It is therefore difficult to grant them any credit in the perspective of a constitutionally democratic and nonracial postapartheid era in South Africa.

Nevertheless, all these three proposals which share the common principle of multiracial communities dealing with their own affairs either under a weak central government, for the two last ones, or a powerful one for the first, are nothing but the resurgence of the everlasting "Swart Gevaar" (the Black Threat), still vivid in the minds of the white minority. "Our problem as whites is that we are a minority group and that makes us fearful" says Gerard du Toit²⁶, a successful Afikaneer vintner near Cape Town.

In reality, the whites are deeply concerned that any future constitutional settlement would represent a so-called "winner-take-all solution" favorable to the blacks and resulting eventually in the following:

- o a denial of their status as South African citizens,
- o power sharing and end of apartheid and whites' supremacy,
- o adoption, under the growing influence of the ANC, of a socialist regime for South Africa.

These fears are also shared--and aggravated purposely--by many western countries who remain seriously concerned with the future of their business or strategic interests, if ever the present pro-apartheid regime has to disappear and to be replaced by a system of majority rule.

However, the conviction to dissipate those fears and to move towards a more reconciliatory approach has been one of the main motives of two proposals which represent quite a contrast when compared to the previous proposals.

The regional approach of the NATAL/KWAZULU INDABA launched by the white majority Labor Party and Chief BUTHELEZI's INTAKHA has certainly the merits to initiate a provincial nonethnic form of government and has proved somehow that "calm and national discussions between blacks and whites about political fundamentals"²⁷ are possible. But, on the other hand, the INDABA lacks a true vision of the national entity of South Africa as a state or, a nation. Besides, there are real concerns that, following the case of Chief BUTHELEZI, each ethnic group, or each "chief," selected by his tribes or even selected under the influence of the white government if not just appointed by it, would be tempted to seek local agreements in order to gain petty economic advantages while the whole problem of apartheid would be left aside, unsolved and subtly reinforced.

Therefore it is no wonder that INDABA itself, and its model as a whole, is rejected by all the other political parties, be they leftist or rightist, and also the important COSATU.

Departing totally from this regional approach, another option proposed by the liberal Progressive Federal Party (PFP) of Dr. Van Zyl SLABBERT seems more consistent with the perspective of a democratic and nonracial postapartheid society in South Africa. The PFP advocates "a federation made up of territorial units and not of corporately organized ethnic ones." Meanwhile, its constitution, to be adopted by consensus by "all recognized leaders of all significant groups during a Convention. . . ."28, emphasizes and favors the

principle's of full and equal political civil rights for all South Africans without discrimination on the grounds of race, color, religion or sex; equality of opportunity for all citizens in the economy; and the judicial protection of individual rights.29

The PFP also favors the electoral system of proportional representation and envisages the inclusion of a so-called minority veto levelled at 10 to 15 percent of the votes required.

This proposal represents a large step far from the current unitary constitutional structure of the South African state; but indeed, any democratic option for the future is very likely to share the main elements of its framework.

Last but not least, there have been, until now, serious fears concerning the political project of the banned ANC for the future of South Africa. The spectrum of an unavoidable socialist state with a nationalized economy highly influenced by the Soviet Union, still haunts the minds of white South Africans as well as western countries.

However, it is obvious that the 1955 Freedom Charter--the basic document of the ANC endorsed by such political parties as the UDF, BUTHELEZI's INTAKHA and the COSATU--

cannot be said to outline a future government structure for South Africa, but it does proclaim two vital principles:

- o the principle of one South African people, underlying all differences of color or race,
- o and the principle of given equal recognition to national groups.

In the meantime, many critics, in an attempt to deny or minimize ANC's unquestionable role and influence presently, present the movement as a pro-violence one, which "doesn't talk of power sharing but of the seizure of power by the people; of people's power."³⁰ Or, a movement which sees itself as a "vanguard" of the people engaged in a war, where total victory is the only goal in order to overthrow the white government and create a fully socialized state.³¹

But a closer scrutiny to recent declarations of ANC leaders, as well as the realities of socioeconomic relationships within South Africa, permit to foresee a far less dogmatic standby of the ANC in regard to the economic regime of a postapartheid society.

As noted by Heribert Adam,

on all the questions of multipartism, status of trade unions . . . the statements of intent by most ANC supporters are remarkably moderate, nonracial, nonideological and undogmatic.³²

By recognizing equal individual rights and equal group rights, the Freedom Charter remains certainly, as pointed by J. BLUMENFELD, "at least a starting point for a constitutional negotiation between white and black, and one that offers a little more scope than the bold doctrine of one person, one vote, in a unitary state."³³

Furthermore, it seems reasonable to assume with BLUMENFELD that it is very likely that

. . . once the ANC is unbanned, and Nelson MANDELA released, more moderate counsels, favorable to constitutional negotiation and less amenable to extreme ideas, will come to the fore.³⁴

The final objective of the Freedom Charter remains a democratic and nonracial postapartheid society; keeping trace of the mainstream of its interest may lead certainly to relevant negotiations apt to favor fundamental changes in South Africa.

This objective is also the main thrust of the Declaration of DAKAR which remains a relevant guideline in the process of building a positive and workable constitution for postapartheid South Africa.

Besides, two other significant points deserve a sincere and realistic consideration also in the process.

It is fair enough only to recognize that the majority of blacks and other "colored" and Indians, deprived for such a long time of the exercise of freedom of expression and association and a total involvement in public affairs, does not have yet the political maturity required to make a so-called conscious and reasonable usage of the principle of universal suffrage within brand new democratic institutions. There are real possibilities that their opinions may be misoriented by politicians for the sake of electoral posture, or that themselves do not just understand thoroughly the main issues involved.

This first point which leads automatically to the postponement of a full application of the controversial principle of "one person, one vote" requires above all a realistic and responsible agreement of the different political parties involved in the negotiations. However, it should be clearly stated that its purpose is to gradually lead to a full system of universal suffrage.

It would be really unfortunate that the South Africans themselves, by going towards extreme positions, jeopardize their chances to establish an original democratic system.

The case of the Portuguese people, recovering political freedom in 1975 after years of despotism, is a vivid reminder; until now they are just incapable to establish and conform to democratic and stable life! As usually said, those who didn't know democracy before, tend always to abuse of it once provided to them, and this result is always in instability!

The South Africans cannot afford to favor this type of situation, for the racial implications and consequences may ward off any positive agreement for the future.

Therefore, a second point is the necessity of a phase of transition during which the principle of "one person, one vote" will be applied only at the very low level to enable the populations to elect their representatives at district level through official political parties. Meanwhile, the elections of all the other institutions, at state and federal levels, will be done gradually by the selected representatives.

This step will have the unique advantage to have politicians and political parties to bear themselves, the historic responsibility of building a new nation and a workable democratic regime, rather than an illiterate population, in its larger majority. Their commitment will certainly be essential and represent a strong bond of honor and goodwill as regards to their dedication to implement a reliable constitution.

Furthermore, the acceptance of a transition phase earmarked by a voluntary postponement of universal suffrage, by the black political parties, will be their main trade-off to the white minority in order for the latter, to

wipe off its various fears and concerns of a postapartheid democratic society with the right to vote conferred to blacks.

A deadline of ten, fifteen, even twenty years, quite a whole generation, seems a reasonable period of transition due to the strong remnants of the past; unless a strong positive commitment coupled with a tremendous economic growth and social welfare appears to be a motive of shortening the time foreseen in favor of an earlier implementation of a total universal suffrage.

This is certainly a decision to be made by South Africans themselves.

However, further steps such as international guarantees provided by the United Nations, the United States and the OAU may be--truly are--appropriate to safeguard the legitimacy of the agreements while providing efficient suggestions when needed. There is no doubt that the United States should stand for the defense of western interests and the protection of the civil rights of the white minority; on the other hand, the OAU will be the moderator of the black parties and the defender of their basic rights. The United Nations, as an expression of the international community, will provide the moral credibility and legitimacy of the agreements on a worldwide basis; its role may include the designation of an emergency body--force or joint civilian-military task force--as observers.

These are indeed, what seems to be appropriate to take into full consideration to propose a workable constitutional framework, as follows, in the search of "a political system that meets all the disparate and conflicting requirements of South Africa's heterogenous population."³⁵

Different tables are provided in the Annexes' section to show the various organizations related to:

- o The Administrative organizations,
- o The Institutions provided by the new constitution,

- o The Legislative system,
- o The Judiciary system.

The new Constitution establishes South Africa as a nonracial and democratic Federation of States which will secure to all its citizens:

- o Justice (social, economic and political),
- o Freedom of thought, expression, belief, faith and worship,
- o Equality of status before the law, and of opportunity,
- o Appartenance to one and indivisible South African nation.

A Bill of Rights is also provided to ensure the fundamental rights of the individual such as:

- o Freedom of speech and expression,
- o Freedom of association,
- o Freedom to:
 - oo Move freely throughout the territory of South Africa,
 - oo Reside and settle in any part of the country,
 - oo To practice any profession or to carry out any occupation, trade

or business,

as well as the protection of life and personal liberty, mainly against apartheid and other discriminatory practices.

The three traditional branches--Judiciary, Legislative and the Executive--are permanent institutions totally independent in the exercise of their respective functions.

The administrative and political system consists of four level's within which the principle of universal suffrage is applied only during the transition phase where the populations, at the very low level of rural and urban communities, elect their representatives to the district and higher institutions among candidates from the official political parties.

Therefore, the territory is first divided into thousands or hundreds of rural and urban communities. The rural community is a gathering of villages while an urban is just a town including its neighboring dwellings.

There, universal suffrage applies for all elections. The community is headed by a President or a Mayor elected democratically.

The second level, the district, is composed of a number of rural and urban communities. Deputies, or senators, belonging to the various districts are elected at this level among candidates of official political parties. The deputies represent the districts within the State Assembly.

The Judiciary is represented by a District Court headed by a District Court Chief Justice.

The Executive Branch is represented by a Commissioner elected.

The third level is the State where the three main branches are also represented.

The main body of the Legislative branch is the State Parliament composed itself of two houses:

- o A State Assembly of direct representatives of the populations of the districts; the seats are distributed on the basis of population.

- o A Council of the Districts where the districts are represented equally, regardless of size and population.

The members of the two houses forming the State Parliament elect:

- o among them, the Chairman of the State Parliament and its bureau,
- o a State Governor among the candidates presented by the different political parties.

The State Governor selects his state senators; meanwhile the Judiciary, with a State Court, is headed by a State Chief Justice appointed by the

Federal Chief Justice under approval of the President of the Federation and the State Parliament.

The fourth level is the Federation itself. Here, the core of the Legislative branch is the Federal Parliament composed of two houses:

- o The Federal Assembly with the direct representatives of the states; the federal deputies are distributed on the basis of population as for the State Assembly.

- o The Council of the States where the states hold an equal number of seats, regardless of size and population.

Then, the members of the two houses forming the Federal Parliament elect respectively:

- o The President of the Federal Parliament, among them.

- o Two thirds of the members of the Advisory Council of the Nationalities gathering personalities of different races, outstanding and credible enough that everybody can expect from them a fair and reliable judgment in cases of notorious misdeeds on racial or religious basis. The Council is also available to the President of the Federation which will appoint one third of its members.

Finally, the President of the Federation, representing the head of the Executive Branch, is elected by the joint meeting of members of both Parliaments, State and Federal. In his turn, the President selects his different Secretaries as well as such important authorities as the Federal Chief Justice and the Commanding General of the South African Defense Forces.

The two parliaments elect also a Vice President who is the Chairman of the Council of States.

The overall structure implies different situations which will certainly be positive in giving a momentum to the process of nation building.

First, political parties are really obliged to go through negotiations and joint agreements from the communities' level to the election of the President of the Federation. It will automatically reduce, if not avoid forever, the supremacy of a political party over the others. There will gradually be a de-facto situation where the interdependency of the parties will pervade the political spectrum of the country, far beyond racial or regional appartenance.

Second, federal laws prevail on state laws; this avoids any chance of seeing a state contemplating secession or disobedience of federal laws or just the implementation of a policy illegal to the federal constitution.

Third, members of the Executive Branch, namely States' governors and the President of the Federation--are Parliament dependent; at those levels, people or deputies are educated enough to distinguish among the issues and the candidates to various key offices. As a result of a negotiated consensus, their choices are very likely to bring the right men to the right places.

Fourth, members of the Judiciary are appointed by the Executive but double-checked by the different Parliaments--States and Federal--will certainly hold a legitimate independence to perform their duties nationwide and in total conformity with the Bill of Rights provided.

Finally, cooperation, separation of powers and checks and balances are the master-words of the constitutional system; on the other hand efficiency is the principal requirement which allows members of the Executive Branch, at State and Federal levels, to hold their offices, the Parliaments can dismiss them otherwise.

As pointed out by Dr. Slabbert, in this system of federalism, "a political party, if defeated in one site, may win in another and because this

possibility exists, it does not become alienated or anti-system in character."³⁵

Not only the political parties have to reach agreement and consensus on policies and issues, but even the election of a candidate from district to federal will be a matter of a dynamic compromise.

Obviously, and fortunately, the success of the transition period will depend on the political leaders. While the structure itself provides a multiple balance of power among its different units, the political leaders will require

vision, the capacity for compromise and empathy, flexibility apart from sheer negotiating skill, if they are to transcend the past and escape out of the racial determined grooves on which South Africa's social structure has been run.³⁶

How long the transition phase and its constitutional framework should or will last? This is certainly up to the South Africans themselves even though a 15 year term seems to be a reasonable average due to the reasons discussed earlier. However, a simultaneous betterment of the socioeconomic status of the majority of the population and the level of education of blacks mainly, are relevant criteria to move towards a full democratic system with the essential decision of implementing a nationwide universal suffrage system.

But the achievement of this final objective requires also the commitment of such external actors as the United States, the OAU and the United Nations whose roles will be prominent and decisive in the process as a whole.

First of all it is opportune to recognize that there are no credible trends apt to put the Soviet Union into a role of a key player within the process of a negotiated solution in South Africa, unless as a member of the Security Council of the United Nations. Not only does Moscow has no direct economic interests involved now in South Africa, but its current role is

limited to the military support provided to the leading liberation movement, the ANC; it is indeed part of the Soviet National Strategy for the expansion of socialism throughout the world. The desire to have a Soviet backed allied in the decisionmaking process of a postapartheid South Africa is certain; it will ensure access to the so-called strategic minerals and to the lines of communication of the Cape of Good Hope. However, this present commitment of the Soviets doesn't guarantee any promised political or economical advantage in the future. Oliver TAMBO, the President of the ANC was the first to stress that later on

. . . gratitude to those who are helping us now with arms, Soviet Union, Sweden, Holland - will not define whom we will trade with in the future; our minerals will be ours alone and we will sell for the best buyers.³⁷

Consequently, the western countries, and first among them the United States as a political and economic leader, are the ones from which to request substantial measures.

Obviously, they can have an unquestionable impact on the minority government, on matters of economics, politics and diplomacy. Their action is in fact dual purpose: to defend overall western interests in such a strategic area, but also to back the white minority by playing a role of guarantee of any agreement susceptible to protect their rights, sharing the successive phases of negotiation, transition and total democracy.

A political will and strong determination following a state of uprisings and repression, endurable enough for the white minority and western interests, will certainly be the prerequisite of any action they may take.

As a counterpart, the Organization of African Unity (OAU) is expected to back all the black movements, and help them harmonize their views and options in order to join the negotiating table. Besides, the OAU will play the same

role of guarantor devoted to the United States. Its main thrust will certainly be to convince the black movement of the necessity and relevancy of a phase of transition where the principle of one person, one vote will be postponed, in order to promote and implement a realistic constitutional system accepted by all parties.

Finally, the commitment of the United Nations represents the approval of the international community and will give a worldwide legitimacy to the agreements.

Indeed, what the United States can or should do has been a hot debate among politicians, scholars and civil rights organizations.

One side, while intimately aware of the numerous U.S. interests involved in South Africa's economy--corporate business as well stocks of major American cities--and may still be resentful of the disappearance of the "golden ages" of racial discrimination, believes that the United States cannot do anything!

The only option is therefore for the United States, to "shake hands" and let time work out the problem.

Obviously, this view is irrelevant for a world power amidst the interdependency of nations.

A second side, hopefully, tries to find a solution and believes in the commitment of the United States to a process leading to a final agreement between the parties concerned.

However, the ineffectiveness of the current U.S. administration in putting a valuable pressure for change on the South African minority government has been so blatant that it is generally equated to a covert support to the white minority and a very light consideration for the basic civil rights of the black majority.

Two main points seem to be the principal reasons.

The first is the absence of a real African policy, conceived under the valuable aspect of the mutual interests of the United States and African states as a whole; the lack of a colonial background apt to make the various authorities grasp and understand how important the problems of justice and human rights are for the typical black African communities, in South Africa as well as the other African states, is certainly to be given much credit on this matter.

Thus, U.S. policy has been a series of circumstantial measures in response to a particular situation. The final stage of this situational strategy has been, in this case, the principle of Constructive Engagement launched by Dr. Chester Crocker, Assistant Secretary of State in charge of African Affairs.

The second is a result of the narrowness of the basic tenet of U.S. strategy: national interests! This principle of seeking--prima facie--national interests only, instead of adopting the broader concept of mutual interests in the field of international cooperation, leads naturally to an unavoidable and dangerous lack of vision or political will where decisive actions are needed to positively change the face of the world. Or, it makes the decisionmakers stick on the bipolar view of the situation--as a East-West conflict,--mixing somehow the main issues the solution of which is a source of better benefits in a brighter future for all.

In fact, the stage was properly set in 1987, before the President Reagan's second term in office, by the Rockefeller Foundation's Study Commission on U.S. Policy Towards Southern Africa, who recommended the following five objectives with their concurrent policies presented in Annex.

- o Demonstrate the fundamental and continuing opposition of the United States to apartheid.

- o Promote genuine political power sharing in South Africa with a minimum of violence by systematically exerting influence on the South African government.

- o Support organizations inside South Africa working for change, assist the development of black leadership and promote black welfare.

- o Assist the economic development of the other states in the region, including reduction of the imbalance in their economic relations with South Africa.

- o Reduce the impact of stoppages of key minerals from South Africa.³⁸

Instead, Assistant Secretary of State Chester Crocker's idea of a "Constructive engagement" was adopted and implemented an official U.S. policy. Five years later, by 1985-1986, it was widely accepted that its triple objectives of increasing American prestige in Southern Africa versus Soviet influence, establishing a solution to the diplomatic and military conflict over Namibia as a linkage with a withdrawal of Cuban troops from Angola and finally, as put by Dr. Crocker himself, ". . . steering between the twin dangers of violence in the Republic and aligning ourselves (the U.S.) with the cause of the white rule"³⁹ were doomed to failure.

Even, the President is looking forward today to what he called "active engagement;"⁴⁰ which may certainly be interpreted as a real change of mind in response to Pretoria's persistence to understand that the United States Government is, in fact, supporting its current policy of divide and rule.

However, as a unique federation of states gathering various ethnic groups equally protected by an unquestionable Bill of Rights, the United States is definitely a role model for South Africa, and should be expected to play a significant role in the process of the emergence of a postapartheid society.

As noted by Mark Whitaker of Newsweek, "the United States should adopt a farsighted policy designed to reflect American values and to encourage a peaceful transition to majority rule."⁴¹

Moreover his five steps proposed agenda for change, quite similar to those of SANFORD UNGAR and PETERVALE, are currently the core of any appropriate and efficient policy the United States government should adopt in order to play a credible role towards South Africa.

The first step is to abandon constructive engagement; the idea of working solutions behind the scene--a remnant of the long-lasting tradition of covert operations--has done nothing but reinforcing the whites in their convictions that the United States are backing them, and denying blacks a future free of racial discrimination. Furthermore, it is generally accepted that it has eroded U.S.'s credibility among South African blacks and the Southern African states.

As a second step, the United States should push harder for negotiations of the white government with all the country's black leaders, with the prerequisites of

- o Releasing all political prisoners, including Nelson Mandela.
- o Lifting the ban of political organizations, including the ANC.

"U.S., states Whitaker, should endorse a framework that would permit blacks to make a pitch for majority rule but also allow the white government to offer its own proposals."⁴²

A third step is to support the final objective of "one man, one vote," while the "U.S. should make it clear, absolutely, that it wants the outcome of the reform process to be equal political rights for all South Africans."

Accordingly, the stage of a transition period followed by a final open democracy system, remains consistent with the constitutional framework proposed earlier.

A fourth step is to create and press tougher sanctions on South Africa; not only economic, but a multipurpose and gradual policy at various levels; political with the progressive closing of South African Consulates in the United States, including the problem of apartheid in the agenda of the yearly meeting of the "Big 7," economic also with different embargoes on arms, oil, technology transfers, landing rights to South African Airways, etc.

Such notions as the importance of South Africa's strategic minerals as a vital interest for the United States, or the immorality of sanctions as regard to the hardships on blacks or Southern African states, are obviously fallacies which can no longer prevent any responsible decision.

At the meantime, the United States should extend its economic aid to SADCC countries, to compensate for the shortfalls resulting from the burden-sharing policy of sanctions that P. W. BOTHA's government is exerting on them.

The fifth step is to seek protection for the white minority and western interests; as pointed by Whitaker, ". . . in exchange for throwing its weight behind serious negotiations and reforms, Washington should seek assurances from black leaders that they will deal fairly with the white minority under majority rule."⁴³ Besides, western countries are the only ones with major business interests in South Africa; as the emergence of a nonracial and democratic postapartheid will certainly be a wider free market economy, the United States, as leader of the group, should protect those overall interests while being able to use them as a leverage, if required, in conjunction with the western countries.

But, the action of the government is to be completed by the United States citizens themselves.

Their first commitment, besides demonstrations and press campaigns, should be to prevent their own cities to hold stocks and business interests in South Africa. Many universities and municipalities benefit on a yearly basis from substantial deposits in South Africa; it does show the intimate links which exist with the South African economy beyond states level.

The second commitment concerns the Afro-American Organizations of the United States; the present combat against apartheid is their combat of yesterday. Not only should they help the officials elaborate a positive policy, but also they should strongly denounce apartheid and its supporters--revealed or unrevealed--within the socioeconomic and political structure. Their final objective should be to include the role of the United States towards South Africa as a main issue of the political agenda of foreign policy!

Such organizations as TRANSAFRICA deserve, in this regard, a high credit on promoting Afro-Americans' involvement in the struggle for the elimination of apartheid in South Africa.

In conclusion, however hard it may be, it is from now a growing conviction that the key solution of the South African problem is in Washington, D.C.! A strong and cohesive move by the United States government and the population of the United States, is the most valuable effect that an external actor can exert on the South African government, in order to bring it to the negotiating table

As remarkably pointed by SANDFORD and VALE:

If an American decision to confront apartheid more boldly also stiffened the resolve of other western nations and ultimately led to a growing international vote of no

confidence in the leadership of P.W. Botha, that too would be a desirable turn of events.⁴⁴

- o Uncomfortable as it may seem to Americans, a first step is to restore a forthright atmosphere of public and private confrontation to relations between Washington and Pretoria--precisely the sort of independent attitude that Dr. Crocker has eschewed. Internal and external pressure is the only thing that ever produced meaningful change in South Africa.

- o But the truth is that South Africa has few other places to turn. It is dependent on the United States, in spirit as well as in fact; fellow 'pariah states,' such as Israel and Taiwan--its other current friends--simply cannot do for South Africa what America can do.⁴⁵

This gives relevancy to the importance of the role the United States can and should play to settle the South African problem. Above all, its commitment is a matter of vision, political will and agenda and as usual, public support.

Any departure from this guideline will only perpetuate the cycle of violence in South Africa and delay the emergence of a democratic and nonracial postapartheid society.

Along with the United States, the other main external actor in the process is obviously the Organization for African Unity (OAU). Its long lasting support to liberation movements such as the ANC and the objective of ending apartheid by internationalizing the problems within worldwide fora should continue, as well as keeping contact with liberal white South Africans.

Furthermore, the new role to be assigned to the OAU in the framework of establishing and implementing a new Constitution is composed of the following points:

- o To co-host any negotiations and guarantee the agreements as a third party.

- o To help, if required, black movements to agree on a basic platform of issues to be discussed at the negotiating table.

- o To convince blacks, leaders mainly, of the necessity of a transition phase with a postponement of the principle of universal suffrage until a reasonable political maturity is achieved.

- o To monitor jointly with other external actors, the transition phase.

- o To reintegrate gradually South Africa in various African organizations and to accept its membership within the continental organization.

Finally, the OAU should certainly select or appoint African personalities, well known for their common sense, tact, judgment and accepted by all South African parties.

As a last actor, the U.N., by its presence, corroborates the goodwill and the approval of the worldwide community. Arbitrator or moderator, its role has the unique objective to reckon and give legitimacy to the agreements achieved, on an international basis apt to restore South Africa to its normal seat among the concert of nations.

It may also, if required by the participants, send observer-groups like those working with the UNTSO in the Middle East, to monitor or help implement the execution of the policies agreed upon, mainly during the phase of transition.

In conclusion, there are undoubtedly external actors that can and should help South Africans sort out their problem, and in particular the one of apartheid which has isolated this country so much. The parties involved, caught obviously into the dilemma of fears, violence, struggle for freedom, now need by men and organizations of vision and spirit of prospective, to bring them around a negotiating table with the maximum guarantees possible!

If it remains true that the feeling of conviction of change through peaceful negotiations are shared by all parties, there are no other actors than the United States, the OAU and the U.N. to play an efficient role in the process!

To finally conclude this study, one has to be honest to recognize that the paths leading to a democratic and nonracial postapartheid society in South Africa are obviously scattered of tremendous challenges, cultural and political, as well as social and economic.

It is certainly unfortunate that the conservation and slow process of improving changes of the P. W. BOTHA's government seem to provide room for only two options for the different actors: internal violence and external economic sanctions.

However, the most desirable solution remains a solution through peaceful negotiations between all the parties involved under international guarantees to be provided very likely by the United States, the OAU and the U.N. in order to establish their unquestionable legitimacy.

Therefore, a political future for South Africa is to be based on a federation of states where a Bill of Rights ensures the protection of the fundamental rights of the individuals; nonracial and democratic, the postapartheid society will evolve in a "style of government which avoids simple majoritarianism in elections and decisionmaking; instead heavy emphasis is placed on proportionality, intergroup bargaining and compromise."⁴⁶

Moreover, the system proposed above, with the postponement of the principle of one man, one vote during the transition phase and the Advisory Council of the Nationalities, reckons sincerely and modestly the current realities of the population, despite the strong desire to improve universal suffrage. Once again, the right to vote and its corollary principle of one

man, one vote is not equal to apartheid; it is rather included in the policy of apartheid. The large majority of the population doesn't yet have the political maturity and a gradual move under a framework of joint agreements may be wiser at the beginning. Besides, this option of a proportional representation at district levels puts the historic responsibility upon the political leaders themselves who may better understand that a peaceful and harmonious future for their country and their people is far more important than the individual or partisan and temporary so called victories of "politician politics."

Last, but not least, fundamental changes in South Africa are possible in peaceful ways, if only the main actors concerned boldly face their respective responsibilities. In the perspective of a negotiated solution starting with an international conference, the best credit of the P. W. BOTHA government is certainly to make a full and plain statement proving its engagement to meet the prerequisites mentioned earlier; meanwhile, the ANC is to declare the official stop of violence as a mean of struggle. Then, the working atmosphere is to be set up by such as external actors as the United States, the OAU who should appoint credible and farsighted leaders, and the U.N.

As pointed in the conclusion of their report, the Rockefeller Study Commission on U.S. Policy Toward Southern Africa stated since 1981, "that the United States can constructively assist the process of change in South Africa. There is time, but not much time."⁴⁷

In the same perspective, the meeting at DAKAR, in July 1986 of an Afrikaner delegation and the ANC, in an independent African state whose government felt honored and satisfied to host this historic meeting, shows the availability of African leaders to play their role.

A peaceful outcome is certainly the first desire and objective of any party involved.

As pointed out by Anton Rupert, a top Afrikaner industrialist, "a man of vision is needed to take the country out of its predicament."⁴⁸

Men of vision, as well as organizations led by leaders of vision are what South Africa needs internally and externally to solve the problem of apartheid and moves towards a nonracial and democratic postapartheid society.

The words of Dr. Slabbert and David Welsh are still to the point on this regard, "vision, the capacity for compromise and empathy, and flexibility, apart from sheer negotiating skill, will be required if they are to transcend the past and escape out of the racially determined grooves on which South Africa's social structure has been run."⁴⁹

May God provide to all the parties concerned, political, governmental and international, with leaders of vision dedicated enough to have the South African dream of a nonracial and democratic society come through for the benefits of the peoples of that country!

ENDNOTES

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ANNEX 1

THE RESEARCH DATA

Research on South African export of strategic minerals is very difficult since Pretoria refuses to disclose the necessary data and many minerals are re-traded among the user countries, making their origins difficult to trace. However, data from various reliable sources—the U.S. Bureau of Mines, the Japan Tariff Association, and the European Community—have been utilized to construct the following Tables: I, II, III, and IV.

Table I
1983 Chromium Imports by Country

Importing Country	Chromium Form & Total Imports	Imports from South Africa		Other Major Suppliers	
		Amount	Percent	Country	Percent
United States†	Chromite 190 Short Tons, s.t.	144	76%	Madagascar Phillipines	11% 7%
	Ferrochromium "do" 280,303 s.t.	152,077	54%	Yugoslavia Zimbabwe	12% 19%
Japan††	Chromium Ore 644,895 Metric Tons, m.t.	301,715	47%	India Albania USSR	12% 12% 10%
	Ferrochromium 297,533 m.t.	193,959	65%	Brazil Zimbabwe Phillipines	12% 10% 7%
United Kingdom†††	Chromium Ores and Concen- trates 100,475,000 kilo grams, k.g.	91,938,000	92%		
Germany, F.R.†††	Chromium Ores and Concen- trates 247,186,000 k.g.	134,997,000	55%	Albania	32%
France†††	54,509,000 k.g.	35,184,000	65%	Albania	10%

Sources: †Bureau of Mines, *Preprint from the 1983 Bureau of Mines Minerals Yearbook, Chromium*. 1984: Washington, D.C., Superintendent of Documents.

††Japan Tariff Association, *Imports of Commodity by Country*. 1984: Tokyo, Japan.

†††Eurostat, *Analytical Tables of Foreign Trade, Nimex 1983, Imports*. B 25-27, 1984: EEC.

Table II
1983 Manganese Imports by Country

Importing Country	Manganese Form & Total Imports	Imports from South Africa		Other Major Suppliers	
		Amount	Percent	Country	Percent
United States ⁺	Manganese Ore 368,297 s.t.	25,406	7%	Gabon	46%
				Mexico	17%
				Brazil	21%
	Ferromanganese 341,608 s.t.	87,664	26%	France	34%
				Mexico	11%
				Brazil	8%
Japan ⁺⁺	Manganese Ores and Concen- trates 1,030,586 m.t.	475,586	46%	Australia	39%
United Kingdom ⁺⁺⁺	Manganese Ores and Concen- trates 368,494,000 k.g.	197,915,000	54%	Brazil	33%
Germany, F.R. ⁺⁺⁺	Manganese Ores and Concen- trates 434,261,000 k.g.	291,748,000	67%	Australia	23%
France ⁺⁺⁺	Manganese Ores and Concen- trates 745,625,000 k.g.	173,483,000	23%	Gabon	65%

Sources: ⁺Bureau of Mines, *Preprint from the 1983 Bureau of Mines Yearbook: Manganese*. 1984: Washington, D.C., Superintendent of Documents.

⁺⁺Japan Tariff Association, *Imports of Commodity by Country*. 1984: Tokyo, Japan.

⁺⁺⁺Eurostat, *Analytical Tables of Foreign Trade, Nimex 1983, Imports*. B 25-27, 1984: EEC.

Table III
1983 Vanadium Imports by Country

Importing Country	Vanadium Form & Total Imports	Imports from South Africa		Other Major Suppliers	
		Amount	Percent	Country	Percent
United States ⁺	Vanadium Pentoxide (Thousand Pounds) 1,457,922	224,868	15%	Finland	85%
Japan ⁺⁺	Vanadium Pentoxide (Kilograms) 2,957,070	1,770,796	60%	China	25%

Sources: ⁺Bureau of Mines, *Preprint from the 1983 Bureau of Mines Yearbook: Vanadium*. 1984: Washington, D.C., Superintendent of Documents

⁺⁺Japan Tariff Association, *Imports of Commodity by Country*. 1984: Tokyo, Japan

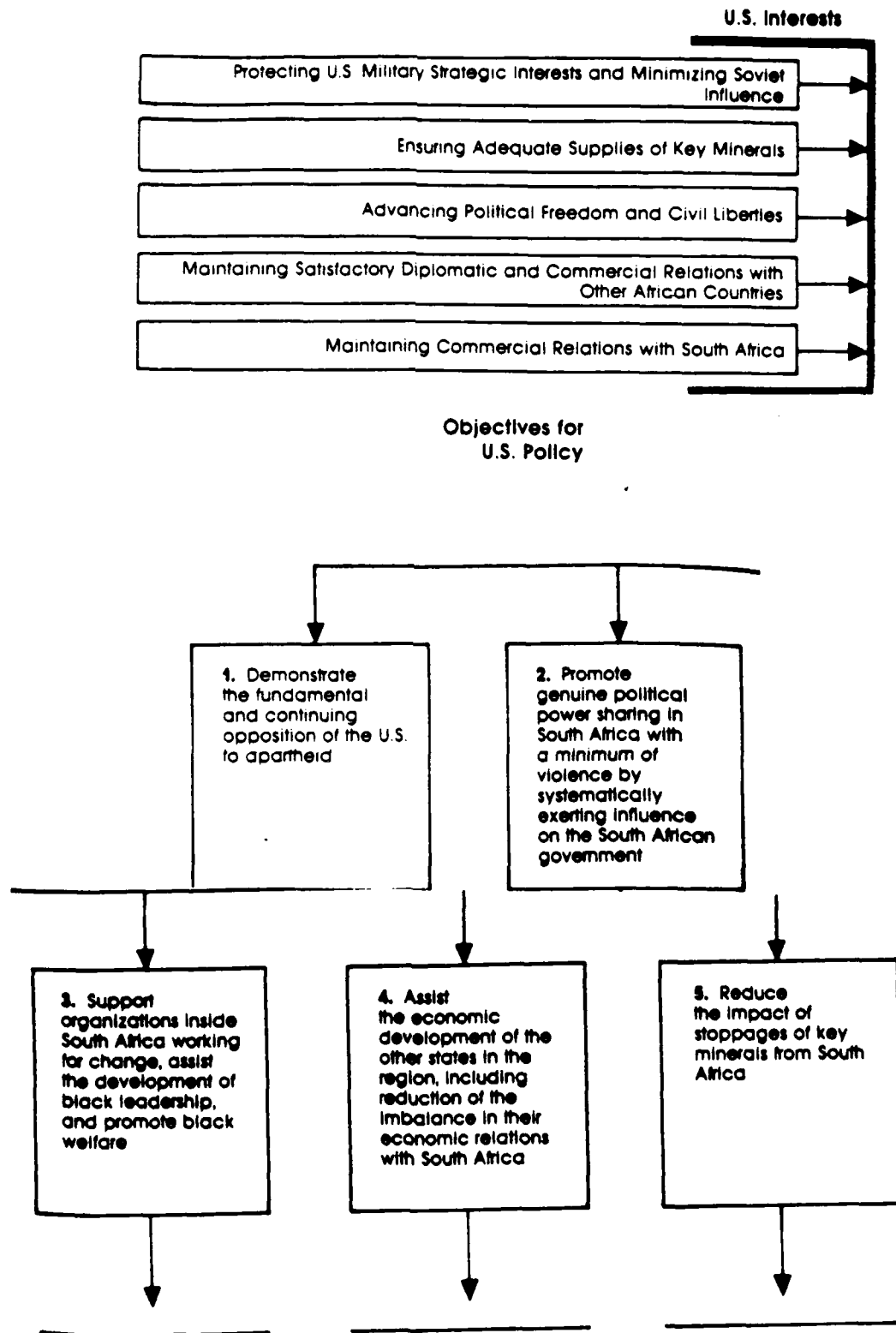
Table IV
1983 Platinum Group Metals, Imports by Country

Importing Country	Platinum Group & Total Imports	Imports from South Africa		Other Major Suppliers	
		Amount	Percent	Country	Percent
United States†	Platinum Group Metals	1,218,524	38%	U.K.	20%
	(Troy Ounces)			USSR	13%
	3,218,022				
Japan††	Platinum Group Metals	25,910,475	38%	USSR	40%
	(Grams)			U.S.	8%
	67,492,772				

Sources: †Bureau of Mines, *Preprint from the 1983 Bureau of Mines Yearbook: Platinum Group Metals*. 1984: Washington, D.C., Superintendent of Documents.

††Japan Tariff Association, *Imports of Commodity by Country*. 1984: Tokyo, Japan.

ANNEX 2



ANNEX 3

Actions for Objective 1

1. **U.S. Government**
 - (a) **Broaden Arms Embargo to Cover Foreign Subsidiaries of U.S. Companies.**
 - (b) **Broaden Nuclear Embargo.**
 - (c) **Increase Number of Blacks—Americans and South Africans—in U.S. Embassy and Consulates.**
 - (d) **Continue Policy of Statements and Actions Expressing U.S. Opposition to Apartheid.**
 - (e) **Expand Contacts with Black South African Leaders.**
 - (f) **Withhold Recognition of Homelands.**
 - (g) **Support Humanitarian Aid Programs for Black South Africans.**
2. **U.S. Corporations**
 - (h) **No Expansion and No New Entry.**
 - (i) **Social Development Expenditure Standard.**
 - (j) **Sullivan Principles.**
3. **U.S. Shareholders: Some Guidelines**

Actions for Objective 2

1. **The Approach**

The United States, like most governments, has a wide range of inter-
2. **Illustrative Pressures and Inducements**

Many of the pressures normally used by the United States to pursue its

Actions for Objective 3

1. Support Public Interest Organizations Working for Change.
2. Encourage Antiapartheid Activities by Private Groups in South Africa through U.S. Counterparts.
3. Support the Research Efforts of South African Organizations and Individuals Working for Change.
4. Support Programs Providing Educational Aid for South African Blacks.
5. Aid African and Multiracial Unions.
6. U.S. Corporations:
 - (a) Support Black Economic and Social Development through Investments and Loans.
 - (b) Adopt and Implement Social Development Expenditure Standard and Sullivan Principles.
7. Continue Leadership Exchange Programs.
8. Continue Monitoring of South African Government Repression by Private U.S. Organizations.

Actions for Objective 4

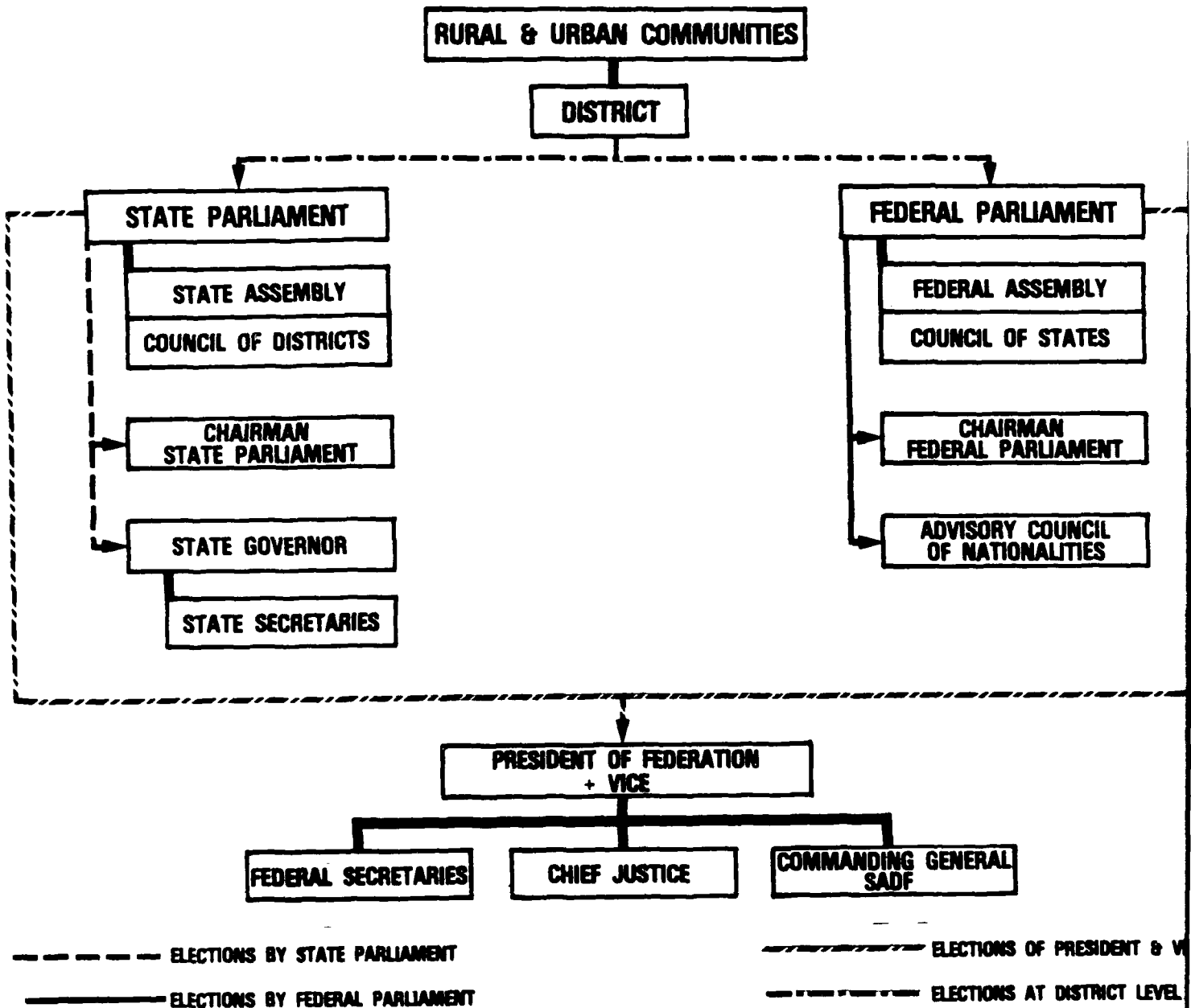
1. Provide Assistance on a Regional Basis.
2. Provide Bilateral and Regional Aid to:
 - (a) Assist Agricultural Development.
 - (b) Assist Development of Transport, Communications, and Energy Infrastructures.
 - (c) Assist Vocational and Management Training.
3. Increase Aid to Zimbabwe.
4. Encourage Trade and Industrial Investment in the Region.

Actions for Objective 5

1. Increase Stockpiles of Ferrochrome, Ferromanganese, Platinum, and Vanadium.
2. Develop a National Minerals Policy and Contingency Plans.
3. Diversify Sources of Supply.
4. Develop Transport Sectors of the Nine.
5. Encourage Allies to Take Parallel Measures.

ANNEX 4

INSTITUTIONS PROVIDED BY A CONSTITUTION FOR A DEMOCRATIC AND
NON RACIAL POST-APARTHEID REGIME IN SOUTH AFRICA



ANNEX 5

ADMINISTRATIVE ORGANIZATION OF THE FEDERAL REPUBLIC OF SOUTH AFRICA

LEVEL	EXECUTIVE	LEGISLATIVE	JUDICIARY
1 RURAL/URBAN COMMUNITY	CHAIRMAN/ MAYOR	/	/
2 DISTRICT	COMMISSIONER	DEPUTY	DISTRICT COURT
3 STATE	GOVERNOR	STATE PARLIAMENT	STATE COURT
4 FEDERAL	PRESIDENT	FEDERAL PARLIAMENT	FED. COURT OF JUSTICE

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